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In re Reissue Application of :
Browning, Joffe, and Lanier :
Application No. 09/159,509 :
Filed: September 23, 1998 : DECISION REFUSING STATUS
For: METHOD AND APPARATUS FOR : UNDER 37 CFR 1.47(a)
CREATING A WIREFRAME AND :
POLYGON VIRTUAL WORLD :

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 26, 1999.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The reply to this decision may include an oath or declaration executed by the non-signing inventor in compliance with 37 CFR 1.63. (If a declaration is filed by the currently non-signing inventor, please make sure that the declaration lists all inventors and does not suggest that the inventor is a sole inventor, such a declaration will neither comply with 37 CFR 1.63 nor evidence that the inventor is willing to join in the filing of this application.)

The above-identified application was filed on September 23, 1998 without an executed oath or declaration.

Accordingly, on November 25, 1998, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on April 26, 1999, the instant petition was filed, together with a declaration of facts stating the last known address of Mr. Browning, declarations signed by joint inventors Lanier and Joffe, and a petition for an extension of time, as well as other papers. The petition provides proof that joint inventor Browning cannot be reached after a

diligent effort.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), an application filed pursuant to 35 U.S.C. 1.47(a) is required to be made by the available inventors on behalf of themselves and the non-signing inventor. Accordingly, an oath or declaration for the patent application in compliance with 37 CFR 1.63, 1.64 and 1.175 has not been presented because the residence and citizenship of Mr. Browning have not been stated. An oath or declaration in compliance with 37 CFR 1.63, 1.64 and 1.175 signed by Mr. Joffe and Mr. Lanier on behalf of themselves and Mr. Browning is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn: Special Program Law Office

By hand: Crystal Plaza Four, Suite 3C23
 2201 South Clark Place
 Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at [(703) 306-3159].



Karin Tyson
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Office of the Deputy Assistant Commissioner
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